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Corruption on Trial : Money, Power, and Punishment in France's *Chambre de Justice* of 1716[1]

Erik Goldner[2]

Cet article réexamine le Lit de Justice de 1716-1717, dernier d'une série de tribunaux épisodiques et temporaires quoique puissants, instituées dans la France de l'époque moderne pour sanctionner les fraudes aux finances royales. Jusqu'ici, les spécialistes ont sous-estimé le caractère judiciaire des Lits de Justice, les considérant plutôt comme le masque d'une expropriation des financiers du Roi et la substitution de nouveaux réseaux clientélaires à de plus anciens. Le présent article suggère que si cette interprétation possède une certaine validité pour les cas précédents, elle ne s'applique pas en 1716-17. En se fondant sur l'analyse du rôle de cette cour, l'auteur estime que ce dernier Lit de Justice s'est conformé aux normes judiciaires alors en vigueur en punissant un grand nombre de malfaiteurs. Il conclut en dépeignant les limitations plus générales et structurelles qui entravaient les efforts de la monarchie française de l'époque pour résoudre les problèmes posés par la corruption et la crise fiscale.

This article reappraises the Chamber of Justice of 1716–1717, the last in a series of periodic, temporary, but powerful tribunals instituted in early modern France to punish wrongdoing in the king's finances. Until now, scholars have undervalued the judicial integrity of Chambers of Justice, interpreting them as fronts for expropriating royal financiers and replacing old client networks with new ones. This article suggests that, while this interpretation may to some extent be valid for previous Chambers of Justice, it does not hold for the tribunal of 1716–1717. Analyzing data compiled from the court's docket, this article argues that the last Chamber adhered to contemporary judicial norms, punishing a wide range of malefactors. It concludes by sketching out broader, structural limits to the early modern French monarchy's efforts to address fiscal crisis and corruption.

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Daniel François Voysin, the chancellor of France, descended from his carriage in front of the *Grands Augustins* in Paris on a March morning in 1716. A delegation of judges chosen from the kingdom's most powerful courts welcomed him on the day's occasion : the inauguration of a new *Chambre de Justice*, a temporary but powerful tribunal commissioned to punish wrongdoing in the king's finances. The judges of the Chamber of Justice escorted him to the monastery's great hall where the court would hold its sessions. "The disorder in the king's finances", Voysin told them in his opening address, "is the unfortunate but nearly inevitable consequence of war. And nothing is more advantageous once peace has been restored than to reform abuses and correct wrongdoing. (…) It is for the investigation of these disorders (…) that you have been commissioned". He encouraged the judges by concluding, "You will restore abundance to the realm, by making certain men return to the king's coffers the considerable sums by which they unjustly profited"[3]. The magistrates listened, but few could imagine the difficulties ahead. Nor could they foresee that this Chamber of Justice would be the last of its kind[4].

France had a long tradition of such tribunals, and together they formed an institution that had few if any analogues elsewhere in early modern Europe[5]. As far back as the early fourteenth century, the French monarchy had established special courts to prosecute those accused of mishandling its monies[6]. Before the sixteenth century, they invariably targeted individuals, particularly finance ministers whom the king wished to eliminate[7]. But beginning in the 1520s, new courts were given extraordinary powers to investigate not just a few but indeed all of the crown's *financiers* – the term contemporaries used for those in France who collected, channeled, and disbursed royal funds[8]. At least eight such comprehensive tribunals occurred during the sixteenth century, and five more followed in the next century[9]. The seventeenth-century courts tended to last between six months and two years, with the exception of the Chamber of Justice of 1661-1665, which stands out not only for its length but also its rigor. In terms of the sentences it handed down – most notably against the disgraced finance minister Nicolas Fouquet – and the fines that were drafted in connection with it, it was more punitive than any other extraordinary tribunal in France before the Revolution[10].

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3 Bibliothèque nationale de France (hereafter BN), *manuscrits français* (hereafter MF) 7586, fols. 1r-3r.

4 On the Chamber of Justice of 1716-1717, see Dessert (1984, pp. 238-276) ; Goldner (2008) ; Ravel (1928) ; Villain (1988).

5 The best introduction to the Chamber as an institution remains Bosher (1973). For Chambers of Justice before 1716, see especially Bayard (1974, 1988, pp. 311-334) ; Dessert (1974, 1984).

6 Dessert (1984, pp. 238-239).

7 Bosher (1970, p. 4).

8 For French financiers in the seventeenth and eighteenth centuries, see, besides the works of Bayard, Bosher, and Dessert noted above, Chaussinand-Nogaret (1993) ; Dessert (1979) ; Durand (1996).

9 The state of the evidence from the sixteenth century makes it impossible to definitively list the investigations held in that period, but inquiries certainly took place in 1523, 1524, 1527-1536, 1561-1562, 1581, 1583-1584, 1584-1587, 1596, 1601-1602, 1605-1607, 1607, 1624-1625, and 1661-1669, though the latter effectively ceased operation in 1665. Bayard (1974, pp. 139-140) ; Bosher (1970, p. 17, 1973, pp. 20-21) ; Dessert (1984, p. 239).

10 Dessert (1984, pp. 240, 259, 262 & 272).

Scholars have long recognized that the lack of meaningful day-to-day oversight created ample opportunities for misconduct in early modern French royal finance[11]. The crown instituted Chambers of Justice from time to time in part because its ordinary means for ensuring the probity of financiers was so inadequate. Normally, one of more than a half-dozen Chambers of Accounts verified the books of most fiscal office-holders, contractors, and farmers[12]. For a variety of reasons, including delays in collection or expenditure, the accounts of financiers often reached those courts after a considerable lag, sometimes of ten years or more[13]. In times of crisis, the monarchy allowed contractors to forgo accounting to those courts altogether. It instead permitted them, as a favor or an encouragement to participate in a *traité* or fiscal contract, to present their accounts directly to the Royal Council, where they could expect less rigorous examination[14].

Given the weakness of ordinary oversight in royal finance and the long line of spectacular but temporary tribunals that preceded the latest Chamber of Justice, observers in 1716 would have been justified in expecting the new court to play out along familiar lines. A few prominent financiers would be condemned, many inconsequential ones would also be punished, the crown would reap large fines from others, and the hostility that the king's subjects harbored against all of them would be soothed, at least for a time.

But the context that gave rise to the new Chamber helped to make it different from its predecessors. After more than two draining decades of war, the French monarchy confronted what was arguably the worst fiscal crisis in its history – worse even than the one that helped to trigger a revolution seventy years later[15]. The pressure on officials to use the tribunal as a means to extract wealth from royal agents was thus especially intense. Politics also played a role in shaping the new Chamber. Its most recent antecedent had taken place under a young and headstrong Louis XIV intent on asserting his authority over the kingdom's financial networks. But the latest Chamber occurred during a regency. Such regimes were notorious for the political uncertainties that tended to accompany them[16]. And the government of the new regent, Philippe II, duc d'Orléans, was indeed fraught with uncertainty. Louis XIV's will and dynastic rules gave Orléans the reins of government. But Louis before his death, and many at court before and after the king's demise, distrusted him. Added to this was the restiveness of the kingdom's most powerful institutions, particularly its high courts, after decades of heavy-handed rule under the Sun King. Thus Orléans, as he launched a Chamber of Justice six months into his regency, faced a more precarious outlook than Louis XIV had a half-century earlier[17].

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11 Bosher (1970, pp. 4 & 19-20) ; Dessert (1984, pp. 287 & 292).

12 Bosher (1970, pp. 111-122) ; Pernot (1979).

13 Bosher (1970, p. 120).

14 Villain (1988, pp. 545-546).

15 The total royal debt in 1715, which may have been as high as 3.5 billion *livres*, was in real terms as large as that of the late 1780s, but it was borne by a poorer, less populous kingdom. Félix (1994, p. 603) ; Hoffman, Postel-Vinay, Rosenthal (2000, pp. 69-71).

16 For the distinctive political issues involved in early modern French regencies, see Crawford (2004).

17 For more on the challenges Orléans confronted at the beginning of his regency, see Dupilet (2011, pp. 79-122) ; Shennan (1979, pp. 9-32).

Once the new tribunal was underway, more differences between it and its predecessors emerged. The Chamber of the 1660s had been marked by its punitiveness ; this one was characterized, among other things, by its scope. The Chamber of Justice of 1716-1717 sentenced dozens of financiers for crimes ranging from embezzlement to extortion. More than four thousand other agents faced special royal fines based on the personal financial declarations they had been forced to submit – a requirement without precedent in previous Chambers. This was in effect one of the broadest, most searching inquiries in the history of the French monarchy, if not one of the largest single investigations ever conducted in pre-modern Europe. It was also short-lived. After operating for only one year, with hundreds of cases still on its docket, the Chamber of Justice was abruptly closed by royal order.

The present article examines what this episode – as turbulent as it was brief – reveals about justice, money, and power in early-eighteenth century France. My argument begins with a seemingly simple premise : the Chamber was an authoritative forum for the dispensing of justice. It was, in other words, a court of law. Historians have tended to obscure or dismiss this fact. They have long conflated the Chamber's fiscal and political aims with its judicial mission, muddling the intentions of the kings and ministers who instituted and watched over Chambers of Justice with those of the judges who actually operated them. Scholars of course acknowledge the Chamber as a tribunal. But that, they suggest, was merely a façade. The court was in effect a front for the expropriation of those who handled the king's money. John Bosher, for example, has described it as "a royal business institution disguised as a court of law", best understood as "one of the financial organs of the monarchy"[18]. Scholars moreover tend to portray the Chamber less as a court than a mechanism to flush out unwanted networks of financiers. In the Chamber's wake, one financial clan – in the picturesque phrasing of Françoise Bayard and Daniel Dessert, one "mafia" or "racket" – invariably took the place of another[19].

When historians do pause to consider the Chamber's actual work as a court, they invariably condemn its methods and procedures as unjust. Earlier generations of scholars indeed became apoplectic on the subject. The judges who staffed the "odious" court, according to the normally sober Marcel Marion, were biased against financiers and indeed "condemned [them] in advance"[20]. The court's judicial procedure, in the words of another scholar, was "arbitrary"[21]. According to one overwrought nineteenth-century account, the Chamber was a "fiscal investigation with all the horror of a Catholic inquisition", armed with "a neighboring room stocked with instruments of torture"[22]. Such charges continued to appear in respectable surveys almost a century later, and they still surface in popular accounts today[23].

Historians in recent decades have toned down their criticism of the court's work, but only somewhat. No less an authority than Daniel Dessert persists in viewing the Chamber less as a forum for dispensing justice than as a "repressive apparatus"[24].

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18 Bosher (1973, p. 31).

19 Bosher (1973, pp. 31-32) ; Bayard (1974, pp. 134-135) ; Dessert (1974, pp. 868-869).

20 Marion (1914, pp. 73-74).

21 Richou (1905, p. 97).

22 Lémontey (1832, p. 65).

23 Carré (1909, p. 12) ; Gleeson (1999, pp. 111-112).

24 Dessert (1984, p. 242).

In Bosher's words, the tribunals were "usually more interested in recovering money or removing an embarrassing creditor than in meting out justice"[25]. The greatest and most powerful wrongdoers inevitably escaped punishment, the standard accounts agree ; the lowliest fiscal agents bore the brunt of the Chamber's penalties[26]. Bayard summarizes the scholarly view with the quip, "Chambers of Justice were not Chambers that were just"[27].

Among other aims, this article deflates the long-running narrative of the Chamber's injustice. The interpretations sketched above may or may not be valid for earlier versions of the Chamber, but they certainly fail to account for the tribunal of 1716-1717. I argue, first of all, that that Chamber was indeed just – as just, at least, as any court could have been in the period. Its judges used their powers with precision and care, adhering to contemporary norms. Second, I present and analyze data from the court's docket to suggest how wide-ranging and serious its prosecutions were. A broad spectrum of royal agents, as well as a wide variety of crimes, fell under the Chamber's scrutiny. Third and finally, I indicate deeper structural limits to the early modern French monarchy's efforts to address fiscal crisis and corruption. Those limits did not lie in the supposed viciousness of the Chamber. Rather, they lay in the intersection of justice, money, and power in the period.

THE CHAMBER AT WORK

In the spring of 1716, royal decrees engineered by the de facto minister of royal finance, Adrien Maurice, duc de Noailles, endowed the newest Chamber of Justice with expansive powers[28]. These included the right to demand and review personal financial statements from almost all the kingdom's fiscal agents, their families, and their associates – as noted above, an unprecedented intrusion into the murky world of royal finance[29]. They also included the more customary dispensation to review the accounts of all fiscal contractors, whose activities in preceding decades had generated intense popular hostility. And in its criminal cases, the Chamber was given the power to punish abuses throughout the kingdom without appeal, "sovereignly and in the last resort". It was authorized to hand down the strongest penalties, up to and including death[30].

But how in fact did the Chamber's judges use the powers their Regency backers gave them ? Evidence reveals that, far from pillaging financiers, the magistrates investigated and punished them according to carefully formulated standards that contemporaries considered just. This was hardly a foregone conclusion, given that Regency officials had handpicked the new members of the Chamber for reasons other

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25 Bosher (1970, p. 18).

26 Bayard (1974, pp. 129-130) ; Bosher (1973, pp. 27-28) ; Dessert (1984, p. 251) ; Marion (1914, p. 74).

27 Bayard (1974, p. 132).

28 See the establishing royal edict of March 1716 in BN, Collection Clairambault (hereafter CL) 767, fols. 84-90 ; the royal declaration of 17 March 1716 in BN, CL 767, fols. 103r-113r ; and the declaration of 1 April 1716 in BN, CL 767, fols. 128-131.

29 BN, CL 767, fols. 106r-109r. The submission of financial declarations for the purpose of royal taxation was not altogether novel in this period. Bonney (1993, pp. 392-396 & 400-405). But it was certainly a break from past practice as far as Chambers of Justice were concerned. BN, MF 7769, p. 253.

30 BN, CL 767, fols. 88v & 87r.

than their ability to dispense justice. For the Chamber's lead prosecutor, Noailles proposed Charles Michel Bouvard de Fourqueux. For the chief judge, he tapped Chrétien II de Lamoignon, marquis de Basville. They were first and foremost men Noailles thought he could trust. Fourqueux, before his nomination to be *procureur général* or prosecutor general of the Chamber of Justice, had held the equivalent honor in Paris's Chamber of Accounts. The brother-in-law of a prominent member of the Regency's Council of Finance, Fourqueux was reputedly intelligent and pliable – both attractive traits for Noailles. The proposed *président* or chief judge of the Chamber, Lamoignon, was chosen because he was the senior *président à mortier* in the Parlement of Paris, the most eminent tribunal in the kingdom and a body that the Regency at this point was eager to please. Unlike other senior magistrates from that court, he reportedly had few personal connections to financiers[31]. He had moreover the advantage of a distinguished name, one linked to the previous Chamber of the 1660s, over which his grandfather had briefly presided[32].

The journal of one Héracle-Michel Fréteau sheds especially useful light on how the Chamber's members were selected and how the court functioned thereafter. Since the present article draws important evidence from this source, it is necessary to pause and consider it here. A seasoned *avocat* in the Parlement of Paris, Fréteau was commissioned in 1716 to dispatch orders from the Chamber to the Council of Finance headed by Noailles. He was thus well-positioned to observe the interactions of the tribunal's members and regency officials. He purportedly took daily notes on what he saw while the Chamber was in session, later adding to his log a compendium of relevant royal ordinances, as well as a series of essays on the tribunal's creation and demise[33]. Overall, Fréteau's journal is the only extended eyewitness account of the court that we possess. Indeed, no other source from this or any other Chamber of Justice can match its depth of insight. It has, of course, its share of bias. It tends in particular to praise Fourqueux while criticizing Noailles and Lamoignon[34]. Nonetheless all three of those men – who eventually quarreled over the court – ordered their clerks to transcribe Fréteau's journal for their personal libraries[35]. Thus even these antagonists seemingly agreed on the value of his account. While it must be read with care, it remains an essential source.

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31 BN, *nouvelles acquisitions françaises* (hereafter NAF) 8442, pp. 11-12.

32 BN, NAF 8442, p. 20.

33 Bibliothèque de l'Arsenal (hereafter BA), MS 2650, especially the *avertissement*. After the Chamber's demise, Fréteau (1663-1751/2) continued to pursue a distinguished legal and administrative career. An *avocat* in the Parlement of Paris from 1682, he served in the *Chancellerie* from 1723 to 1741, and he was for some time Chancellor d'Aguesseau's chief secretary. At the time of his death, he held the honor of *doyen* of the *ordre des avocats*. Boislisle (1881, p. 94) ; Martin (1887, p. 61).

34 For his praise of Fourqueux, see for instance BN, NAF 8442, pp. 11, 28-29 & 43. For his criticisms of Lamoignon, see for example BA MS 2650, pp. 6-7 (second series) ; BN, NAF 8442, pp. 12 & 20-21.

35 Fréteau's journal currently exists in five versions held in four Parisian archives. The original is BA, MS 2650. In the present article, due to the varying accessibility and legibility of the versions, I have tended to use Lamoignon's copy (BN, NAF 8442) or Fourqueux's copy (Bibliothèque Mazarine (hereafter BM), MS 2347). The principal difference between the original and its copies lies in the diverse ways in which the latter are organized. For a more detailed discussion of the journal and its copies, see Goldner (2008, pp. 551-555).

Once the Chamber's leaders had been chosen, a committee led by Noailles turned to compiling a list of judges to staff it[36]. Though previous Chambers had included magistrates from the provinces, this one was limited to those from jurisdictions based in Paris[37]. Expediency was the reason Noailles gave. Because he wanted the Chamber to act quickly in order to minimize disruption to royal finances, he claimed he wanted to avoid making provincial judges "incur the expense of travel and then send them back almost as soon as they arrived"[38]. He may also have calculated that an all-Parisian Chamber would be easier to control than one including provincials who were less connected to Orléans and the new regime.

Noailles and his committee selected for the Chamber's bench their friends, acquaintances, and more generally those they considered respectable[39]. Thirty judges in all were named, about the same as the number chosen for the previous Chamber of the 1660s[40]. Some of the new Chamber's magistrates were selected for their personal connections. Others were chosen for broader political reasons, first and foremost because they hailed from important jurisdictions whose support was crucial to the Chamber's success[41]. Most of all, Noailles and his group chose men on whom they thought they could rely, or who at least would not cause trouble.

The Chamber's magistrates then settled into the new extraordinary tribunal. Even though it was temporary, it looked much like its permanent counterparts. In the morning, the judges gathered in the Grands Augustins – its great hall having been redecorated with judicial benches covered, as in the Parlement, with fleur-de-lis tapestries – to take depositions, hear cases, and issue rulings. In the afternoons, hearings ceased as the magistrates worked in small groups to audit accounts and prepare criminal cases. In addition to the thirty judges and the lead prosecutor, the Chamber's commissioned personnel included roughly forty deputies, clerks, and bailiffs. There were also some eighty *commis* or assistants who audited royal agents, as well as a specially-uniformed troop of archers who enforced court orders. All in all, the Chamber hummed with the activity of more than one hundred fifty people. And this does not include the dozens of deputy judges and prosecutors in the provinces who spearheaded the tribunal's work outside Paris[42]. Seen from this vantage point, the Chamber appears less like a façade for expropriation and cronyism, as scholars have long framed it, and more like how contemporaries must have perceived it – as one of the largest single investigations that France or indeed Europe had yet seen.

The Chamber looked like a typical high court of the period, and in order to fulfill its mission, it needed to work like one as well. In its criminal cases, the court by royal mandate adhered to standard contemporary procedure, that of the Ordinance

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36 BM, MS 2347, endnote 1, pp. 7-8 ; and BN, NAF 8442, p. 13.

37 Nearly one-third of the members of the two previous Chambers of 1624-1625 and 1661-1665 had been selected from provincial courts. A useful chart of the judicial composition of these and other Chambers can be found in Bosher (1973, pp. 20-21).

38 BN, MF 7769, p. 30.

39 BN, NAF 8442, p. 13.

40 Twelve men were selected from the Parlement of Paris and eight from the Chamber of Accounts. They were joined by six *maîtres des requêtes* and four judges from the Court of Aids. For the names of the Chamber's judges and the courts from which they came, see the printed royal commission in BN, CL 767, fols. 95-98.

41 BN, NAF 8442, pp. 19-25.

42 BN, NAF 8442, pp. 79-84 ; BM, MS 2347, endnote 6, p. 29 ; Cheype (1975, p. 94).

of 1670, Louis XIV's landmark criminal code[43]. One example of a Chamber criminal case must suffice here in order to illustrate how this three-stage procedure worked in practice[44]. The case involved one Jean-François Gruet, a Châtelet agent and police inspector. His superior – Paris's formidable lieutenant general of police, Marc René de Voyer de Paulmy, marquis d'Argenson – had commissioned Gruet years earlier to collect tax arrears from the city's corporations of artisans and merchants[45]. After the Chamber opened, ordinary Parisians thronged the prosecutor's office to denounce him.

So began the first stage of the proceedings against Gruet. As part of what was called the *instruction préparatoire*, Fourqueux, due to the complaints he had received, asked the court to open an investigation in early June 1716. In his request he alleged that Gruet had amassed a "quick and stunning fortune" through the "*malversations, concussions, et abus*" committed in his tax collection and that he had exercised an "outrageous tyranny" over those who owed money, persecuting especially the poorest among them[46]. As procedure dictated, the Chamber then appointed one of its judges – in this case François Le Fèvre de La Malmaison, a *conseiller* in the Parlement of Paris before his Chamber commission and a magistrate whom Fréteau describes as "hard working, but difficult and demanding" – to conduct the *information*[47]. Malmaison proceeded to collect additional facts and hear witnesses according to strict rules.

The case then moved into its second phase, the *instruction définitive*. Malmaison, now aided by his fellow Chamber judge Jean-Baptiste-Nicolas-Antoine Nicolay, interrogated Gruet, confirmed the testimonies of witnesses, and confronted the defendant with those witnesses. In the end, over eighty people came forward to depose against Gruet. The immensity of the task before Malmaison, Nicolay, and their staff prolonged the inquiry over the span of more than five months[48].

In late November 1716, the case entered its final phase of review and judgment. The report by Malmaison and Nicolay was now read aloud before the full Chamber – a dossier so lengthy that ten days were needed to present it[49]. Almost a dozen charges were leveled against Gruet, including hoarding confiscated property in his own house and sometimes even unlawfully imprisoning people there. Most importantly, the evidence indicated that – among the roughly eight hundred people Gruet had incarcerated both legally and illegally for failing to pay their *capitation* tax – he had demanded improper fees for himself from almost all of them[50]. After hearing Fourqueux's sentencing recommendation and confronting Gruet with the case against him, the Chamber's judges opined and voted. Six judges, including

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43 For the mandate on criminal procedure, see Article XXVII of the royal declaration of 17 March 1716, reprinted in Isambert, Decrusy, Jourdan (1821-1833, 21, pp. 98-99). For the Ordinance of 1670 itself, see Isambert, Decrusy, Jourdan (1821-1833, 18, pp. 71-423).

44 This practical example is based in part on general discussions of the criminal procedure of the Ordinance of 1670 in Andrews (1994, pp. 422-435 & 473-479); Carbasse (2000, pp. 179-186).

45 BM, MS 2347, p. 432.

46 BN, CL 768, fol. 86.

47 BN, NAF 8442, p. 25.

48 BN, MF 10962, p. 522.

49 BN, MF 10962, pp. 521-522, 526, 528, 530-531, 534, 543-545 & 547.

50 BM, MS 2347, pp. 432-450.

Lamoignon, favored the prosecutor's call for Gruet's execution. A majority, however, rejected that recommendation and voted instead to send him to the galleys for life[51].

The Gruet affair, though unusual in its length and complexity, was typical in its basic procedure. To be sure, these trials, and early modern French criminal procedure in general, fail to satisfy certain tenets of modern liberal jurisprudence. In this period, for example, there was no judicial presumption of innocence. But as Richard Mowery Andrews persuasively argues, these apparent failings did not prevent judges of the period from dispensing justice in a strict, rule-bound, and rational way[52].

This is not to say that all cases or defendants received equal attention from the Chamber's judges. The most notorious wrongdoers tended to get the greatest scrutiny, and 'making examples' of them became a mantra for the tribunal. In the first death sentence it rendered, against a financier who was shown to have embezzled more than 1.5 million livres, the court intended, according to Fréteau, to make "a full example of him before the public"[53]. The Chamber instructed its deputy judges and prosecutors in the provinces to imitate its approach. Fourqueux, for instance, ordered his provincial deputies to "focus principally on the punishment of great crimes in order to procure examples"[54]. The Chamber's justice, far from seeking the general ruin of financiers, aimed at making, as Fréteau puts it, "a few examples of severity"[55].

A review of court documents reveals just how diligently the Chamber tried to mete out that exemplary justice. Rather than believing all the denunciations it received, the Chamber's members were attuned to denouncers' ulterior motives[56]. Its punishments moreover were sometimes lighter than they could have been under the law. Though royal decrees mandated capital punishment for the worst fiscal offenses, the court sentenced only three men to death, two of whom ultimately managed to avoid that fate[57].

Many financiers were punished mildly or not at all. The Chamber's leniency indeed began to worry the court's architect, the duc de Noailles. He reportedly urged the Chamber's judges to display more "cruelty" in order to "intimidate" financiers[58]. When the military provisioner Antoine Dubout was sentenced in May 1716 for selling rotten meat to soldiers, Noailles wrote to Lamoignon that he was "astonished by the decision (…), that such a rogue, who has killed thousands of soldiers in the hospitals and armies of the king, was let off with nine years of exile and a fine of fifty thousand livres". He continued, "If the Chamber persists in having as much leniency

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51 BM, MS 2347, pp. 454-457 ; BN, MF 10962, pp. 553-557.

52 Andrews (1994, pp. 420-421 & 428).

53 The case concerned Claude François Paparel, a *trésorier de l'ordinaire des guerres* or military financial officer. BM, MS 2347, endnote 7, p. 33 ; BA, MS 2650, fol. 4r.

54 Charles Michel Bouvard de Fourqueux, *procureur général* (prosecutor general) of the Chamber of Justice, to his *substituts* (provincial deputy prosecutors), October 1716, BM, MS 2348, no.108 (first series), pp. 2-3.

55 BN, NAF 8442, p. 42.

56 Fourqueux to the Chamber's *subdélégués*, 30 June 1716, BN, CL 767, fols. 204v-205r.

57 The three men whom the Chamber sentenced to death were Claude François Paparel, Henri Chartier, and Jean Penot. The first was pardoned by Orléans. The second escaped his sentence on a technicality. For the third, see BM, MS 2347, pp. 387-391.

58 BN, NAF 8442, pp. 66-67.

with criminals of this sort, then one can hardly hope to make examples of them to prevent these kinds of misconduct in the future"[59].

An investigation of a contemporary summary of the Chamber's completed cases, cross-referenced with related sources, reveals an overall picture of the punishments handed down by the tribunal[60]. Over the course of one year beginning in March 1716, the Chamber of Justice brought forty-three cases to completion. These cases involved at least eighty-nine defendants[61]. Table 1 categorizes the sentences according to the severity of punishment[62].

Table 1. Sentences handed down by the Chamber of Justice, March 1716–March 1717

Sentences	Number (N=89)	Percentage of total
Heavy	20	22
Medium	9	10
Light	23	26
Pending further inquiry	8	9
Acquitted	26	29
Received amnesty	1	1
Unknown	2	2

Sources : BN, MF 10962-10963 ; BN, NAF 8443-8446 ; and BM, MS 2347.

To be sure, some defendants suffered severe penalties for their crimes. A *huissier des tailles* named Liger Seigne, for instance, was sentenced to the ritual shaming of an *amende honorable*, the seizure of his assets, and a life sentence in the king's galleys for the extortion, fraud, and violence he was shown to have committed in

59 Adrien Maurice, duc de Noailles to Chrétien II de Lamoignon, marquis de Basville, *premier président* (chief judge) of the Chamber of Justice, 29 May 1716. BN, MF 6935, fol. 45v.

60 For the summary list of completed cases, see BN, NAF 8446, fols. 16v-19r.

61 The actual number of sentenced defendants remains unclear, because at least one case involved a group only identified collectively – the *officiers jurés* of the corporation of Paris's *porteurs de grain*. BN, NAF 8444, fols. 31v-33v. For purposes of analysis, I am excluding from the tables below a group of military provisioners called étapiers from Metz, who – unlike the other defendants – came before the Chamber because they had turned themselves in. As prescribed by royal edict, they were eligible to receive an amnesty, but the sources are silent about their actual fate. BN, CL 767, fols. 89r ; BN, NAF 8446, fol. 44v.

62 A sentence is defined here as 'heavy' when it involved a punishment more severe than banishment for five years (for instance, sending a defendant to the galleys), and/or a fine of more than 5,000 livres. A 'medium' sentence involved banishment for less than five years, and/or a fine of less than 5,000 livres. A 'light' sentence refers to being censured (*admonêté* or *blâmé*), sometimes accompanied by a small fine. 'Pending further inquiry' refers to sentences where final judgement was postponed until investigators could be *plus amplement informé*. The defendant who received an amnesty – Victor Fournier, an *entrepreneur général de la fourniture des armées* in Charlesville accused of fraud in his arms deliveries to the crown – did so after fleeing and being judged by the Chamber in absentia. He returned only after an amnesty was offered by royal declaration in September 1716 to financial wrongdoers in return for paying a *taxe* or special fine. Fournier paid 50,000 livres. BN, NAF 8445, fol. 29lr.

his collection of the *taille*, the main direct tax[63]. But as Table 1 shows, defendants who received punishments like Seigne's were a minority – little more than one-fifth of all those judged. What is striking is that a solid majority – almost two-thirds of all defendants – received either light punishments, had their sentences postponed pending further inquiry, or were acquitted altogether. In fact, almost one out of every three defendants was in the latter group alone. Time after time, the Chamber dismissed cases due to lack of evidence[64]. Compared with data compiled by Richard Mowery Andrews on the Parlement of Paris, Chatelêt, and provincial courts later in the eighteenth century, the Chamber of Justice far exceeded other jurisdictions in its tendency to acquit defendants[65].

Additional light is shed on the Chamber's sentencing practices when Fourqueux's punishment recommendations are compared with the magistrates' subsequent sentences. For twenty-seven convicted defendants, evidence exists for both what the prosecutor general recommended and what the Chamber's judges ultimately handed down. In the case of nine of these defendants, the Chamber's condemnations were more severe than what Fourqueux had urged. But in the case of eighteen defendants, its punishments were milder. Thus in two out of every three cases in which both prosecutor's recommendations and final sentences are known, the Chamber was actually more lenient than what the king's attorney had recommended. Historians have portrayed the Chamber as ruthless, but the tribunal's record tells a different story.

DEFENDANTS AND CHARGES

The Chamber's sentencing practices suggest that a broader reappraisal is in order. This section tests the validity of two common charges against the court. The first can be dispatched relatively quickly. Here the claim is that the tribunal was a mechanism to replace one financial clan – one "racket" or "mafia" – with another. Scholars like Bayard and Dessert have provided deep insight into the workings of clan and clientage in royal finance. Other historians have done the same for the royal court, administration, and judiciary[66]. But in the case of the Chamber of Justice of 1716-1717, there is little evidence to suggest that clan and clientage were important factors. To the contrary, the sources indicate that they played very little role indeed. In this, the tribunal strongly differed from its immediate predecessor, the Chamber of 1661-1665, which supplanted Fouquet and his allies with those of Colbert[67]. There is simply no analogue to that in the last Chamber. Though rumors circulated that two former controllers general of finance, Pontchartrain and Desmaretz, would

63 BN, CL 767, fols. 247-248.

64 For instance, the Chamber found the accusations against the *trésorier* Pierre Haguelon "calumnious" and ordered his release. BN, CL 770, fols. 35-36.

65 In 1736, the earliest year for which data is available, the Parlement of Paris dismissed 21 percent of its cases. In that same year, little more than 6 percent of cases were dismissed in provincial courts, and none in the Châtelet. Later in the century, the Parlement dismissed cases at an even lower rate. In 1787, less than 10 percent of cases there were dismissed. Andrews (1994, pp. 482 & 484).

66 The literature is vast, but see in particular Beik (1985) ; Chapman (2004) ; Kettering (1986) ; Kettering (2002) ; Le Roy Ladurie (2001) ; Mettam (1988).

67 Dessert (1984, pp. 279-310, 1987, pp. 231-262) ; Mongrédien (1956).

undergo scrutiny by the court, this never came to pass[68]. Indeed, Orléans, far from being intent on Desmaretz's destruction in the Chamber, sought his advice on how best to end it. If the tribunal targeted anyone in particular, it was Paul Poisson de Bourvalais, a long-time fiscal contractor who was as wealthy as he was notorious, and perhaps one or two of his associates – hardly a mafia[69].

The second charge is that, as contemporaries claimed and later scholars have assumed, the Chamber passed over the most prominent wrongdoers while punishing only the most inconsequential. Here the court indeed appears open to criticism. Bourvalais was among the very first to be arrested at the Chamber's opening, but bickering between the prosecutor and judges derailed the case against this notable defendant. Whether guilty or not, Bourvalais' ultimate release made it appear that this infamous financier had avoided punishment[70]. Other powerful royal money handlers – the banker and former *traitant* Samuel Bernard among them – could be added to the list of those who eluded Chamber scrutiny[71]. So it seems at first glance that only insignificant people bore the brunt of the court's punishments. The sole individual whom the Chamber actually hanged, one Jean Penot, was an obscure *receveur des tailles* whose wealth amounted to a modest fifteen hundred livres[72].

But a closer look at whom the Chamber punished reveals that wealthy and powerful wrongdoers did indeed suffer punishment. The military treasurer Claude François Paparel, though he avoided hanging thanks to a pardon from the regent, was certainly no insignificant financier[73]. Nor was Gruet, who at the time of his imprisonment had amassed two hundred thousand livres – a personal fortune that was considerable in itself, and fifteen times greater than what he had possessed a decade earlier, when he had begun to moonlight as a fiscal agent under d'Argenson's command[74]. The Chamber's principal convicts, contrary to the assertions of historians like Marion, were not always "people of modest means" or "pitiful" fiscal operators[75].

Who in fact were the defendants in the Chamber of Justice of 1716-1717, and what were they charged with ? Though no occupation predominates, the sources describe almost one in six defendants as *commis* or *préposés* – clerks or subcontractors who answered to other fiscal agents. This seems to lend validity to the charge that the Chamber mainly targeted low-level operators. Table 2 lists the defendants' most common occupations[76].

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68 Buvat (1865, pp. 129-130 & 144) ; Dangeau (1854-1860, 17, p. 36).

69 BA, MS 2650, p.15 (second series).

70 Goldner (2008, pp. 155-156).

71 Dessert (1984, pp. 199-201).

72 BM, MS 2347, pp. 387-391.

73 The Chamber-ordered auction of Paparel's carriages, paintings, and fine wines, as well as a subsequent sale of assets at his grand country estate, are indications of his fortune. Buvat (1865, pp. 141-142 & 163).

74 BM, MS 2347, p. 432.

75 Marion (1914, p. 74).

76 Sources identify a number of these defendants with multiple professions or occupations, so there is some degree of overlap in the table's categories.

Table 2. Most common occupations of defendants sentenced by the Chamber of Justice, March 1716–March 1717

Occupations	Number of defendants described as (N=89)	Percentage of total defendants
Commis or *préposé*	15	17
Étapier (military supplier)	10	11
Taille collector	9	10
Other justice agent	7	8
Relative of financier	7	8
Unknown	7	8
Traitant (fiscal contractor)	6	7
Other military functionary	6	7
Merchant	4	4
Muniipal officer	4	4
Notary	4	4

Sources : BN, MF 10962-10963 ; BN, NAF 8443-8446 ; and BM, MS 2347.

What is notable here, besides the large number of *commis* and *préposés*, are the surprisingly few *traitants*. These fiscal contractors, notorious for burdening royal subjects with tax schemes, generated a good deal of animosity[77]. It is reasonable to expect that the court would have scrutinized them. But little more than one out of fourteen defendants is described as a *traitant*. Again, it seems the Chamber pursued the powerless and insignificant.

It would be an error to assume, however, that the plurality of *commis* and *préposés* among the Chamber's sentenced defendants means that the court largely pursued people of modest means. *Commis* and *préposé* were catch-all terms, encompassing a range of functions and socioeconomic conditions. Furthermore, some who appear in Chamber documents as *commis* might better be understood as full-fledged *traitants*. Antoine Barrangue is a good example. An *avocat* by training and profession, he came under the Chamber's scrutiny for allegedly helping the infamous contractor Jacques Le Normand fabricate a royal order for offices a Parisian guild was to buy[78]. Though Barrangue claimed in a court brief that he merely collected revenue for the affair in question, he was far from some impoverished deputy[79]. Twenty years before he fell afoul of the Chamber, he had purchased an office of *secrétaire du Roi*, a sure indication of his substantial wealth. What is more, Barrangue, when not pursuing his legal career or working with Le Normand, was busy on his own account in royal finance. Archival documents show he participated in almost forty fiscal contracts in the final decades of Louis XIV's reign, making him in effect one of the most active *traitants* of the period[80]. So terms

77 Dessert (1984, pp. 59-65 & 82-107) ; Goldner (2008, pp. 263-350).

78 Dessert (1984, p. 526) ; BN, CL 767, fols. 198-203.

79 BN, CL 767, fols. 199r.

80 Dessert (1984, p. 526).

like *commis* and *préposé* can be tricky. Those who appear as such in the Chamber's records may in some cases have been wealthier and more important than these generic and subaltern labels suggest.

It would also be wrong to assume, given the total absence of princes of royal finance like the *receveurs généraux des finances*, that the Chamber of Justice purposefully overlooked such prominent money handlers. Here it is important to keep in mind that the criminal procedure used by the Chamber, and by every other jurisdiction adhering to the Ordinance of 1670, was driven by information provided by denouncers[81]. Without complaints submitted by victims or witnesses, the Chamber's haul of convicted wrongdoers would have been meager indeed. But that was not the case. People came forward to give evidence, and they did so in droves. As we saw above, the number of witnesses in a Chamber criminal investigation could be large : over eighty in the Gruet affair, even more in other cases[82]. And before investigations even began, the Chamber relied heavily on royal subjects for information. While the precise number of denunciations received by the court is unknown, most likely hundreds of them poured into the Chamber. All told, those who either denounced or deposed against financiers in the Chamber likely numbered in the thousands.

So what we may be seeing here, among those targeted for investigation, are not so much the small fry of royal finance as its foot soldiers. Many of the defendants were on the front lines of the crown's relentless drive for money and resources. And some of these foot soldiers, in the desperate last two or three decades of Louis XIV's reign, had committed crimes in order to quench the monarchy's thirst for money and enrich themselves in the process. Thus we see a number of apparently insignificant people – lowly *huissiers* and small-time *receveurs des tailles* who faced accusations of overcharging, threatening, beating, and unjustly imprisoning those who owed money to the crown ; and military suppliers like the étapiers whose proximity to the troops not only gave them ample opportunity for fraud, but also for starving, poisoning, or maiming soldiers due to the shoddy supplies they sometimes provided. To common people who had been brutalized by them, these seemingly unimportant individuals were important indeed. They were, as far as ordinary folk were concerned, the face of royal fiscality.

This becomes clearer when we examine the Chamber's caseload in two additional and interrelated aspects : the most common areas of activity in which wrongdoing was alleged to have occurred, and the most common accusations leveled against defendants[83].

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81 Andrews (1994, pp. 432 & 427).

82 Over one hundred witnesses, for example, gave testimony in the investigation of Jean Lempereur's alleged misdeeds in his administration of the Amiens militia. BM, MS 2347, p. 376.

83 As in Table 2, there is some overlap in the categories, as many cases involved more than one area in which wrongful activity was alleged to have taken place.

Table 3. Most common areas of alleged criminal activity in cases in the Chamber of Justice, March 1716–March 1717

Wrongdoing alleged to have occurred in	Number of cases (N=42)	Percentage of total cases
Supplying regular military	19	45
Paper debt instruments	17	40
Taille collection	12	29
Tax farms	11	26
Obstruction of Chamber inquiries	5	12
Militia (*milice*), organization and supply of	5	12
Traités, exploitation of	5	12
Capitation collection	4	10

Sources : BN, MF 10962–10963 ; BN, NAF 8443–8446 ; and BM, MS 2347.

Here we see more clearly the effects of a quarter-century of war. If we combine the cases where wrongdoing was alleged to have occurred in supplying the regular army and navy, together with cases where accusations had been leveled against those who organized and supplied the *milice* or local militia, we find that more than half – 57 percent to be exact – of the Chamber's caseload involved charges of criminal activities in those areas. Almost one-third of cases, furthermore, involved alleged wrongdoing in the collection of the *taille*. If we include purported criminal activity in the collection of another direct tax – the *capitation* – and in the tax farms, we see that 65 percent – roughly two-thirds – of Chamber cases involved charges of wrongdoing in the hunt for revenue. One final important area of alleged crime stands out here : the trafficking and discounting of paper debt instruments – what was called *agiotage*[84]. In the decades prior to the Chamber's opening, the crown and its financiers had unleashed a flood of bills and promissory notes. These in turn had fueled a black market in discounting, often at rates highly unfavorable to the bearer, as desperate royal creditors sought to unload paper that was fast losing value. In the Chamber, the high level of purported wrongful activity in paper debt – some 40 percent of cases involved that allegation – undoubtedly arose from the many complaints from victims of *agiotage*.

When we examine the most common crimes with which Chamber defendants were accused, a similar picture emerges. As seen in Table 4, defendants in the Chamber of Justice tended to be charged with crimes in tax collection, military supply, and trafficking in royal debt[85]. Almost two out of five defendants were

[84] On *agiotage*, see Höfer (1992, pp. 2-8).

[85] Due to the state of the evidence, the findings of Table 4 are approximate. The Chamber's *arrêst* do not always indicate the charges that individual defendants faced. I have based this table on explicit references to particular crimes in the Chamber's rulings, though I have supplemented this when certain crimes are clearly implied in the *arrêst* or related sources. Defendants were often accused of more than one crime ; there is thus a degree of overlap in the enumeration of the charges here.

accused of *concussions* or *exactions* – taking taxes or duties that were not owed[86]. Almost one out of five were accused, respectively, of supplying bad provisions or weapons to the military, or gouging bearers of paper debt by deeply discounting bills. Rather disturbingly, more than one out of ten were accused of *vexations* – harassing, unjustly imprisoning, or assaulting royal subjects who refused or were unable to pay.

Table 4. Most common crimes alleged, by number of defendants accused, in cases heard by Chamber of Justice, March 1716–March 1717

Alleged crime	Defendants accused (N=89)	Percentage of total defendants
Taking what was not owed (*concussion/exaction*)	34	38
General wrongdoing (*malversation*)	21	24
Trafficking in paper debt (*agiotage*)	17	19
Fraud in military supply (*mauvaises fournitures*)	16	18
Embezzlement (*divertissement* or *détournement de sa caisse*)	11	12
Fraud, usually in financial documents (*fausseté*)	10	11
Harassment or violence (*vexation*)	10	11

Sources: BN, MF 10962–10963; BN, NAF 8443–8446; and BM, MS 2347.

So while its predecessors may have violated judicial norms, replaced ministers and their clients, or punished only the weak, this Chamber was different. The wrongs that fiscal agents had committed in prior decades had harmed countless royal subjects. This Chamber sought to address those wrongs – but not in a wanton way. As the court's rate of acquittal suggests, among other evidence given above, the Chamber proceeded according to a method that valued evidence and due process. If the tribunal had been allowed to continue, it might have gone some way toward rectifying the very real crimes of those who handled the king's money. But that was not to be.

JUSTICE, MONEY, AND POWER

The interests of the crown, Fréteau remarks in his eyewitness account of the Chamber, were "the basis on which all Chambers of Justice are founded and the pivot on which they turn"[87]. In early modern France, all courts were thought – at least by royal apologists – to emanate from the sovereign's power to judge. They were not autonomous tribunals. Instead they were understood by defenders of princely authority to be instruments of the crown, operating at the king's pleasure. But experience showed all too well how these instruments of royal interest could be perverted by royal interference. Over the previous century, Chambers had endured intense pressure from the kings and ministers who watched over them. During the

[86] For more on the terms contemporaries used for wrongdoing in royal finance – terms like *concussion*, *malversation*, and the like – see Génaux (2002, 2003).

[87] BA, MS 2650, p. 15.

Chamber of Justice of 1607, for example, Sully threatened to throw its judges and prosecutor in the Bastille if they deposed witnesses in a particularly sensitive case[88]. And during the Chamber that began in 1661, Lamoignon's grandfather was abruptly removed as presiding judge for supposedly failing to have the disgraced Fouquet prosecuted with sufficient rigor[89].

One thing that sets the Chamber of 1716 apart from its predecessors is that it was endowed with promises that it would operate independently. Orléans insisted from the start that he would allow the Chamber a free hand in its investigations. Indeed, he demanded the promise be included in the royal declaration of 17 March 1716, which asserts "we will accord no grace, reduction, or moderation of any kind whatsoever to persons subject to the inquiry of said Chamber"[90]. Noailles joined the regent in his profession of neutrality, asserting time and again that he played no substantive role in the Chamber's workings[91].

But it quickly became apparent how hollow the promise of noninterference was. Noailles, for example, involved himself in Chamber business, consulting with the lead prosecutor Fourqueux, who routinely sought the minister's advice before he acted[92]. According to Fréteau, he allowed the chief judge Lamoignon "some shadow of authority", but only in order to conceal from him the fact that he was being "manipulated"[93]. The duc d'Orléans also intervened on a number of occasions, notwithstanding his initial pledge to allow the Chamber a free hand. Notably, the regent commuted the death sentence of Paparel, a military treasurer convicted of embezzling over 1.5 million livres. Orléans at first had urged the Chamber to prosecute Paparel. But when he learned a royal declaration of 1701 prescribed death to officers who diverted funds, he commuted the sentence to life in prison. A deputation of Chamber judges met with the regent to insist that the death sentence be carried out, but Orléans rebuffed them[94].

The reasons why Orléans and Noailles interfered in particular cases varied, but overall they were driven by two motives. First, they intervened to facilitate the flow of revenue and the cancellation of royal debts generated by the Chamber's sanctions. Noailles, for instance, forced the court to accept devalued royal paper instead of hard cash from condemned financiers, in the hopes of both redeeming the crown's debt and conserving scarce coin[95]. Second, they worked to minimize the damage the Chamber was causing to the crown's fiscal machine. Particularly disturbing to Noailles was mounting evidence that the court's provincial deputies were detaining

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88 For this and other examples of royal interference in previous Chambers, see Bayard (1988, pp. 329-330).

89 Guillaume de Lamoignon (1617-1677) was removed in December 1662 and replaced with the reputedly more pliable Chancellor Séguier. Bluche (1960, p. 123, 2005, pp. 291-292 & 823).

90 BM, MS 2347, endnote 1, p. 6 ; BN, NAF 8442, p. 33 ; BN, CL 767, fol. 111r.

91 Noailles to the archbishop of Tours, 22 March 1716, BN, MF 6929, fol. 194r ; and the same to Françoise d'Aubigné, marquise de Maintenon, 23 March 1716, BN, MF 6929, fol. 194v.

92 Noailles to Fourqueux, 24 October 1716, BN, MF 6938, 16r ; the same to Fourqueux, 8 December 1716, BN, MF 6939, fols. 5v-6r ; Noailles' *registres des renvois* for 1716–1717 in Archives nationales, G^7 745-746.

93 BN, NAF 8442, pp. 12 & 20.

94 BN, MF 13684, fol. 124r ; BM, MS 2347, endnote 7, pp. 32-33.

95 BN, CL 767, fols. 224-225 ; BM, MS 2347, p.188 ; Noailles to Fourqueux, 20 May 1716, BN, MF 6935, fol. 33r.

tax farmers and their subordinates. In a period when tax farms provided almost 40 percent of royal revenue, the crown could hardly tolerate disruption there[96]. It occurred nonetheless, becoming so bad in the summer of 1716 that a royal declaration demanded that men working in the *fermes*, who had committed no wrongdoing, should not be troubled in their functions[97]. Punishing wrongdoers in royal finance mattered to the Chamber's architects, to be sure. But the court was in their eyes first and foremost a fiscal operation, and they meant to keep it that way.

One of the Regency's most notable interventions was yet to come. A royal declaration in September 1716 announced that a new commission would review the thousands of personal financial statements already submitted to the court. Based on that review, special fines on individual financiers would be issued to methodically strip financiers of "a portion of their illicit and excessive gains". In return for payment, individuals would receive a full royal amnesty for any misconduct[98]. Although this declaration insisted the Chamber would continue "as long as necessary", its judges undoubtedly felt their power slipping away[99]. They had likely anticipated that such fines would occur at some point, since previous incarnations of the court had usually ended that way. The most recent one, the Chamber of Justice of 1661-1665, had operated for four years before fines were announced[100]. But in 1716, Noailles deployed the maneuver only six months into the tribunal's run, and that must have startled the judges.

Why Noailles decided to unleash fines on financiers at this point is clear : it was fiscally expedient. In a later report, Noailles stressed the efficiency of the maneuver. "There was not a moment lost", he told Orléans at a special session of the Regency Council[101]. The declaration of September 1716 openly admitted that the Chamber was taking "a great amount of time" and further "lengthy proceedings" would be necessary to correct fiscal wrongdoing. "That sort of delay is unsuitable for the present state of our kingdom", it concluded[102]. The Chamber, in other words, was taking too long to reap the revenue the crown expected.

Over the next six months, as the court continued to investigate and punish wrongdoing, almost eight thousand personal financial declarations were reviewed, and corresponding fines on financiers were issued[103]. More than 4,400 financiers, family members, and associates were assessed, with fines totaling almost 220 million livres, or about one-third of their declared wealth[104]. With the appearance of the last roll of fines and the suppression of the Chamber in March 1717, Noailles and his allies seemed to have triumphed. But in many ways the accomplishment was hollow. The meddling of Noailles and Orléans had hindered the Chamber's inquiries and undermined its authority. But this damage was minor compared to the disaster of the Pommereuil affair – the regent's gravest act of meddling.

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96 Marion (1914, p. 64).

97 BM, MS 2347, p. 212.

98 BN, CL 767, fols. 257v-58r & 259v.

99 BN, CL 767, fol. 258.

100 Bayard (1974, pp. 126-129) ; Dessert (1984, p. 255).

101 BN, MF 7769, p. 255.

102 BN, CL 767, fol. 257v.

103 For manuscript copies of the rolls of financiers and their fines, see BN, CL 768-770.

104 BN, MF 7769, pp. 258-259.

In late September 1716, the Chamber arrested Nicolas Odille de Pommereuil, one of Paris's most prominent police agents. He was suspected of numerous instances of "extortion and violence" while in the employ of d'Argenson, the lieutenant general of police. According to the initial request for inquiry, Pommereuil, while conducting surveillance on the traffic in paper debt, had entrapped people into committing illegal speculation and had committed *agiotage* himself. He was also suspected of stripping suspects of their money and papers and imprisoning them in his own house, sometimes for months on end – all the while charging them exorbitant fees for their wrongful incarceration[105].

Within hours of his arrest, however, Pommereuil was freed. D'Argenson, having heard his agent had been apprehended, had complained to the regent. The latter had promptly signed a *lettre de cachet* releasing him. The next day, a Chamber deputation convinced Orléans to order the suspect's arrest again, but rumors were spreading that the agent had already fled Paris. In the Chamber, the judges were reportedly outraged by Pommereuil's release, and they laid the blame on d'Argenson. In the days that followed, some judges insisted that the lieutenant general of police be arrested and interrogated. But a majority decided to send an ultimatum to Orléans : if Pommereuil were not immediately rearrested, the Chamber would cease all work. Shortly thereafter, news arrived that the regent had ordered Pommereuil's arrest. The Chamber's magistrates were told that they were free to detain anyone involved in the affair – with the exception of d'Argenson himself. The Chamber's magistrates bristled at this proviso. The inquiry had given them more than enough grounds to arrest him, and they had been ready to order it[106].

After five days of crisis, the court resumed work. The affair throws into relief how, yet again, this tribunal differed from its predecessors. Compared to Louis XIV a half-century earlier, Orléans was more constrained in his exercise of power. Whereas the previous Chamber had asserted royal authority, this one saw judges bridling at a ruler's will. The Pommereuil episode, in the history of the Chambers of Justice, was by far the most serious example of judicial resistance.

But as the controversy passed, the Chamber's magistrates confronted the limits of their ability to dispense justice. In late October 1716, the court began proceedings against Pommereuil *in absentia*[107]. He was later sighted in Lorraine, apparently heading to Germany[108]. According to Fréteau, the affair "made it clear to even the most dull-headed that the Chamber had no right to render justice, except on those poor wretches whose destruction implicated no one"[109]. As we saw above, some of Fréteau's "poor wretches" had in fact committed serious, sometimes brutal, crimes. And some were clients of people as powerful as Paris's lieutenant general of police – Gruet is a notable example. But when the Chamber's inquiries began to threaten the flow of revenue, and when it started to bring men like d'Argenson into its cross-hairs, it saw "its right to render justice" erode.

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105 BM, MS 2347, pp. 320–321 ; Cheype (1975, pp.181-182) ; BN, MF 10962, pp. 351-352 & 357 ; BN, CL 767, fol. 263r.

106 BM, MS 2347, pp. 322–323, 335, 340-341 & 343-359 ; BN, CL 767, fols. 265v–266v, 267v ; BN, MF 10962, pp. 357-358 & 361-368 ; Dangeau (1854-1860, 16, p. 460).

107 BN, MF 10962, pp. 456-457.

108 BN, MF 13779, fol. 163.

109 BA, MS 2650, p. 4.

THE CHAMBER DISMANTLED

With all the pomp of his predecessor a year earlier, the new chancellor of France, Henri François d'Aguesseau, arrived at the Chamber of Justice to formalize its end. A royal edict suppressing the court had just appeared, promising financiers and their associates a complete pardon if they promptly paid their special fines ; all pending cases were now forwarded to other courts[110]. In this last session, d'Aguesseau excused the decision to close the tribunal by saying that, "Even cures sometimes cause illness when they last too long"[111]. He concluded his address, and the magistrates rose to leave. The last Chamber of Justice in the history of the French monarchy was dismantled.

For Lamoignon and other Chamber judges, the chancellor's address must have rung hollow. In the six months after the Pommereuil crisis, the Chamber had forged ahead with its prosecutions, at times with notable success[112]. This was due in large part to Lamoignon, who Fréteau claims was the only judge "who did not lose courage" after the loss of Pommereuil[113]. But Lamoignon's zeal for prosecuting criminal cases likely played a role in the regent's decision to close the Chamber. Lamoignon's criminal prosecutions seemed endless ; some said that bringing a case against the prominent financier Bourvalais to its conclusion would alone consume four years[114]. By January 1717, Orléans was seeking advice on how to end the tribunal. He forwarded a memorandum to the former controller general of finance, Nicolas Desmaretz, accusing the Chamber of "destroying credit and confidence" and "dishonoring and ruining the financiers". The latter supported the conclusions, writing that the suppression of the Chamber of Justice was "necessary" and could not "be done too promptly"[115].

Imperfect though the Chamber was, it began, Fréteau insists, "with the best of intentions"[116]. But there was not one but two sets of intentions animating the tribunal. There was on one hand the ministerial plan to extract money *from* financiers ; on the other, the magisterial aim to dispense justice *to* financiers. For Noailles and his allies, the tribunal was largely a fiscal maneuver. But for the Chamber's judges, it was primarily an operation of justice. These two intentions were not mutually exclusive. Both judges and officials – and indeed contemporaries by and large – saw little that was cynical in prosecuting individual financiers for wrongdoing and at the same time extracting money from them as a group. Fighting corruption and extracting money went hand in hand for people in the period. It seemed natural and right[117]. The question was where each group – officials and judges – put their emphasis.

Ultimately, the Chamber's cross-purposes bring to light a troubling dilemma in the effort to combat corruption in royal finance in early modern France. The problem of the Chamber was not the wantonness of its judges. Instead, it lay in the peculiar

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110 BN, CL 770, fols. 114-116.

111 BN, MF 7586, fols. 361v-362v.

112 The conviction of Gruet in December 1716 is one prominent example.

113 BA, MS 2650, p. 4.

114 Buvat (1865, p. 139).

115 Boislisle, Brotonne (1874, pp. 684-687).

116 BA, MS 2650, p. 3.

117 Goldner (2008, pp. 42-114).

nexus of justice, money, and power that both created and destroyed the tribunal. The case of the Chamber of Justice of 1716-1717 reveals, first and foremost, that the French monarchy had at its disposal by the early eighteenth century a powerful mechanism to confront wrongdoing in its finances. But having something at one's disposal and actually putting it to full use are different things. In terms of justice, the example of the Chamber makes clear that the crown could call on magistrates who had thoroughly imbibed a sense of their own importance within the regime, and who were more than willing to apply themselves in a dedicated fashion to an appointed task[118]. But the winds of money and power blew too strongly in a countervailing direction. From the point of view of officials like Noailles, not to mention Regent Philippe d'Orléans himself, the crown's money crisis was simply too dire to prolong the disruption that the Chamber's investigations were creating. And though Orléans had come to power pledging to refrain from the heavy-handed displays of power that critics said had marred the rule of Louis XIV, he still headed a regime that was ultimately prepared to maneuver in sudden, seemingly arbitrary ways. Scholars in recent decades have done much to revise our understanding of how absolute the power of absolute monarchy was in France, showing it to have been in many cases more an exercise in compromise than confrontation with the kingdom's entrenched interests[119]. In the case of malfeasance in its own finances, the monarchy chose to do both. That is, it compromised with financial pressures. And it confronted the magistrates it had appointed to punish those who had defrauded the king and his subjects.

So the officials who created the Chamber, and the judges who were commissioned to actually operate it, became estranged. If we believe Fréteau, most of the judges were unaware of Noailles' ultimate plans for the tribunal, and they were shocked when he and the regent obstructed it. The majority of the court's magistrates, according to him, "believed in good faith that [the court] would last as long as there were (…) financiers to punish". They "did not perceive the hidden purpose [*le mystère*] that drove the Chamber"[120]. That hidden purpose of the Chamber's creators in the Regency was harvesting money. The need for money, backed by the power of the regent and his advisors, ultimately stifled the Chamber's ability to judge and punish. Immediately after the Chamber's last session, its leading magistrates went to the Palais Royal to pay their respects to the regent. Fréteau reports that Orléans, "contrary to his usual graciousness", simply remarked that he was "overjoyed" to hear that the Chamber was no more[121].

In the following year, Orléans confronted the looming possibility that the levies imposed on financiers in Noailles' *taxe* maneuver would do little to alleviate the crown's crushing debt burden. Despite intense efforts, which included hounding assessed financiers and their families for years and in some cases decades, the special fines associated with the Chamber ultimately brought in only a fraction of the

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118 For the sense that French high-court judges had of their own importance and mission, see especially Krynen (2009).

119 For the revisionist or collaborationist view of French absolute monarchy, see especially Beik (1985) ; Parker (1983, 1996). For a recent restatement, see Beik (2005). For a survey of the historiography, see Cosandey, Descimon (2002). For indications of where the literature is currently headed, particularly in its intersection with legal and social history, see Breen (2011).

120 BN, NAF 8442, p. 62.

121 BM, MS 2347, endnote 14, p. 104.

220 million livres originally assessed[122]. This in turn arguably encouraged Orléans to seek other expedients. In the wake of the Chamber's failure to alleviate the crown's financial woes, the regent entrusted John Law, the Scottish projector, with solving the debt crisis. In a notorious episode, Law launched France on a dramatic but short-lived experiment in state credit. The collapse of Law's System in 1720 ensured that Frenchmen would, for decades, deeply mistrust forms of money and credit that smacked of innovation[123].

But the Chamber's end was important for more reasons than the turn to Law's experiment and the hangover from rampant financial speculation that followed. Never again in the history of the French monarchy would it target financiers for investigation in such a thorough, robust way. There were many reasons for this. Most prominent among them were the lingering memory, among the king's administrators, of the disruption to royal finances that the Chamber's inquiries had caused, combined with the increasing integration of financiers into the kingdom's elites, a social absorption that in the ensuing decades made the crown hesitate all the more in bringing them to justice[124].

The withering away of robust oversight – in the spectacular, temporary form embodied by the Chambers of Justice or otherwise – had its consequences. Foremost among them is that ordinary subjects of the king were deprived of a meaningful way to seek justice for fiscal wrongdoing. Scholars have seen the Chambers of Justice as façades for cronyism, as mere vehicles for expropriation. There may be some justification for that view, particularly in the Chambers that preceded the one that began in 1716. But this article has shown that the monarchy did have at its disposal, at least on paper, a mechanism to address the crimes committed by the crown's fiscal operators. Those crimes, this article has suggested, were not merely against the king. Fiscal harassment and indeed outright violence were keenly felt by the king's subjects – we see that clearly in the evidence collected by the Chamber's inquiries. And after the court's demise, the foot soldiers of royal finance were on the march again. Scholars until now have focused on issues of clientage and faction or on bottom-line questions of royal revenue and debt. In doing so, they have tended to downplay the human trauma inflicted by the crown's fiscal machine in this period. Looking at the Chamber from the inside out, so to speak, a different aspect appears, one in which well-intentioned magistrates sought to rectify very real crimes, only to confront a wall of royal expediency built by the demands of money and power.

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122 Goldner (2008, pp. 430-466).

123 On Law, see especially Faure (1977) ; Murphy (1997). See also Goldner (2008, pp. 471-489).

124 Bosher (1970, pp. 304-305) ; Chaussinand-Nogaret (1993) ; Durand (1996) ; Goldner (2008, pp. 490-517).

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